

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

M.J. No. 23-5178-JGD

v.

RAFAEL DAVILA,
a/k/a “ROBBIN HOOD,”
JOSE TORRES,
a/k/a “GOLDY,” a/k/a “GOLDY TECH,”
NICOLAS DAVILA,
CARLOS FONSECA,
a/k/a “CHARLITO,”
ZACHARY MARSHALL,
SANTO FELIBERTY,
ALEX OYOLA,
a/k/a “DIRTY,”

Defendants

**AFFIDAVIT SUBMITTED IN SUPPORT OF
GOVERNMENT’S MOTION FOR DETENTION**

I, Special Agent Tyler Delorme, depose and state as follows:

1. I submit this affidavit concerning the Defendants in this case to (1) correct a scrivener’s error on paragraph 342 of the Complaint Affidavit, (2) describe information regarding recent thefts that were not included in the Complaint Affidavit, and (3) document the results of search warrants that were executed on April 12, 2023, at the residences of the Defendants charged in this case and a storage unit used by Rafael DAVILA. At the time of the making of this affidavit, the searches are still ongoing. Therefore, the information set forth in this affidavit remains preliminary and is subject to change as information is received from the search teams at the nine locations. This affidavit does not set forth all of my knowledge and information concerning this investigation.

2. In the complaint affidavit, there was a scrivener’s error with respect to a text message conversation described in paragraph 342 (pp. 168-169). That paragraph incorrectly identifies the text message conversation as being between DAVILA (utilizing TARGET PHONE 1) and FELIBERTY

(utilizing TARGET PHONE 5). The substance of the conversation set forth in the table accurately reflects the content of the text messages. Paragraph 342 should read as follows:

Investigators reviewed text messages between OYOLA (utilizing TARGET PHONE 9) and FELIBERTY (utilizing TARGET PHONE 5) on December 14, 2022. Those text messages capture OYOLA and FELIBERTY coordinating meeting up at approximately 9:30 PM, prior to travelling to Concord, MA.

Date/Time	Author	Content
12/14/2022 9:29:34 PM	OYOLA	You here
12/14/2022 9:29:44 PM	FELIBERTY	Yeah
12/14/2022 9:29:55 PM	OYOLA	Ok cool

3. Additionally, with respect to the nature of the offenses, I am aware of instances where DAVILA targeted the same business or individual for catalytic converter thefts on multiple occasions.

- a. For example, a bakery with locations in Millbury, MA, and Wilmington, MA was targeted on four occasions by DAVILA. As noted in the Complaint affidavit trucks parked at the bakery were targeted in Millbury, MA, on March 27, 2022, November 27, 2022, and February 28, 2023. The bakery's location in Wilmington, MA was targeted on November 27, 2022. In total, the bakery had sixteen of their trucks I am aware that the losses for these thefts incurred by this bakery exceed \$90,000.

I. THEFTS TAKING PLACE AFTER THE SUBMISSION OF APPLICATION FOR CRIMINAL COMPLAINT

4. Investigators learned of catalytic converter thefts taking place on April 4, 2023, April 6, 2023, and April 11, 2023. Consistent with the pattern described in the complaint affidavit, investigators know from historical GPS tracking data that the Maroon Acura MDX traveled to these communities on the mornings of the thefts and is believed to have been involved in the thefts. Similarly, investigators observed the precision location information for Rafael DAVILA's phone to show that he was in the vicinity of the thefts.

- On April 4, 2023, Watertown, Waltham were targeted for catalytic converter theft. These thefts are believed to have involved Rafael DAVILA and FELIBERTY.
- On April 6, 2023, Foxborough, Whitinsville, and Worcester were targeted for catalytic converter theft utilizing the MAROON ACURA MDX. These thefts are believed to have involved Rafael DAVILA and MARSHALL. Following a number of thefts in Foxborough, investigators are aware through physical and electronic surveillance that the MAROON ACURA MDX engaged in high-speed chase away Foxborough Police reaching in excess of 120 mph. During the chase, the MAROON ACURA MDX crossed into Rhode Island to evade pursuing officers. Following the chase, the MAROON ACURA

MDX travelled to Whitinsville, Worcester, where it is believed that DAVILA and MARSHALL conducted a number of catalytic converter thefts.

- April 11, 2023, Newton, Waltham, Needham were targeted for catalytic converter theft. These thefts are believed to have involved Rafael DAVILA and FELIBERTY.

II. FIREARMS BEING POSSESSED DURING THE CONSPIRACY

5. Investigators reviewed photographs recovered from DAVILA's iCloud. Among the photographs, investigators observed a file named "IMG_0126_3.heic". The photograph depicts a tan and black Polymer80 firearm with a Glock slide, and extended magazine being held in the hand of an individual wearing multi-colored sandals. Based upon the metadata, this photo appeared to have been taken by DAVILA utilizing TARGET PHONE 1 at approximately 12:37 PM on August 20, 2022. This image follows:



6. Investigators reviewed historical CSLI for DAVILA's TARGET PHONE 1 and determined that TARGET PHONE 1 utilized a cell tower in Feeding Hills, MA at 12:30 PM on August 20, 2022. This cell tower is approximately 1 mile from Rafael DAVILA's residence.

7. Investigators then reviewed a video file in DAVILA's iCloud named "IMG_5574.mov", which was created on or about March 28, 2022, that depicts an individual wearing the same sandals being present in the kitchen of Rafael DAVILA's residence.¹ Investigators believe that the individual holding the firearm is Rafael DAVILA and that this photograph was taken by DAVILA in his residence. Investigators know that DAVILA is a convicted felon and is therefore prohibited from possessing firearms.

8. Investigators are also familiar with a text message conversation between Rafael DAVILA (utilizing TARGET PHONE 1) and Nicolas DAVILA (utilizing TARGET PHONE 6) taking place in March 19, 2022, where Nicolas DAVILA discusses dropping a firearm from his bag ("the thing flew out my bag), and later finding it in the street but needing another magazine. That text message conversation follows:

Date – Time	Author	Content
3/19/2022 2:03:50 AM	Nicolas DAVILA	Ok the thing flew out my bag so I just lost that
3/19/2022 2:03:53 AM	Nicolas DAVILA	It's always something
3/19/2022 2:04:04 AM	Rafael DAVILA	Wtf man
3/19/2022 2:04:06 AM	Nicolas DAVILA	I followed all my tracks
3/19/2022 2:04:07 AM	Nicolas DAVILA	Too
3/19/2022 2:04:12 AM	Nicolas DAVILA	From still to the house
3/19/2022 2:04:20 AM	Nicolas DAVILA	It must've flew out and bounced or someone found it
3/19/2022 2:04:20 AM	Rafael DAVILA	Damn man I'm so sorry
3/19/2022 2:05:10 AM	Nicolas DAVILA	It is what is is now time to get some money and buy one I needed that thing too I got that from Joel
3/19/2022 2:05:28 AM	Nicolas DAVILA	I'm more hurt than anything
3/19/2022 2:05:37 AM	Rafael DAVILA	Damn bro I'm so sorry
3/19/2022 2:18:36 AM	Nicolas DAVILA	I found it bro Rollu found it on the street it needs a new clip but I have a extra with dad

SEARCH WARRANTS AND ARREST WARRANTS

¹ Investigators compared the floor visible in the video to pictures of the kitchen in TARGET LOCATION 1 and noted they are a match.

A. Residence of Rafael DAVILA

9. On April 12, 2023, investigators executed a search warrant at Rafael DAVILA's residence in Feeding Hills, MA. During the course of the search, investigators located the following:

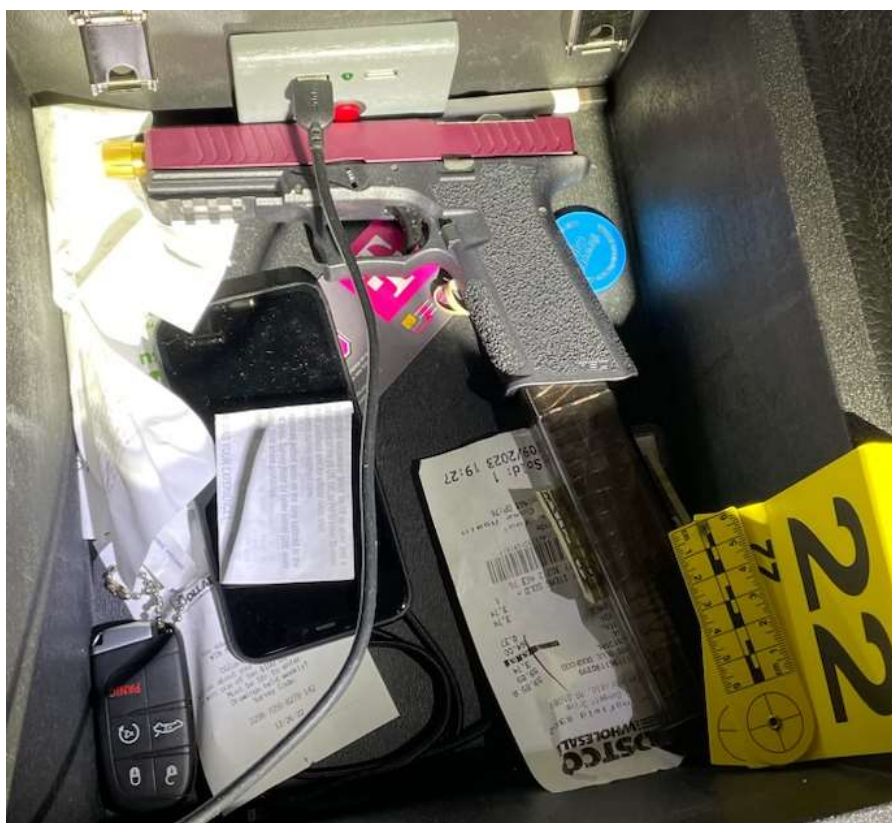
- a. Inside the MAROON ACURA MDX, a number of cut and stolen catalytic converters, the red Milwaukee sawzall and blue jack. A photo follows:



- b. Inside the CHEVROLET SUBURBAN, investigators located a loaded firearm:



- c. Inside of DAVILA's residence, investigators located a Polymer80 firearm with an extended clear magazine.



- d. Investigators also located a large number of gloves and Adidas hats believed to have been used by DAVILA during the crimes:



- e. Investigators also seized two jetskis, the Dodge Challenger Scatpack, the Chevrolet Suburban, the Maroon Acura MDX, and give motorcycles. Still images follow:







B. Residence of Jose TORRES

10. On April 12, 2023, investigators executed a search warrant at Jose TORRES's residence on Oak Street in Springfield, MA. During the course of the search, investigators located a number of catalytic converters stored in TORRES' garage.

C. Residence of Nicolas DAVILA

11. On April 12, 2023, investigators executed a search warrant at Nicolas DAVILA's residence on Trafton Street in Springfield, MA. Initially, the parents of Nicolas DAVILA told the swat team that Nicolas DAVILA that he was not present. During the subsequent search Nicolas DAVILA was located hiding in the residence under a bed.

12. During the course of the search, investigators located a firearm, 25 grams of cocaine and two scales, multiple license plates, and CAN-AM Spyder believed to have been bought with proceeds of the crimes. Still images follow:



13. The firearm was recovered in a record player. A still image follows:

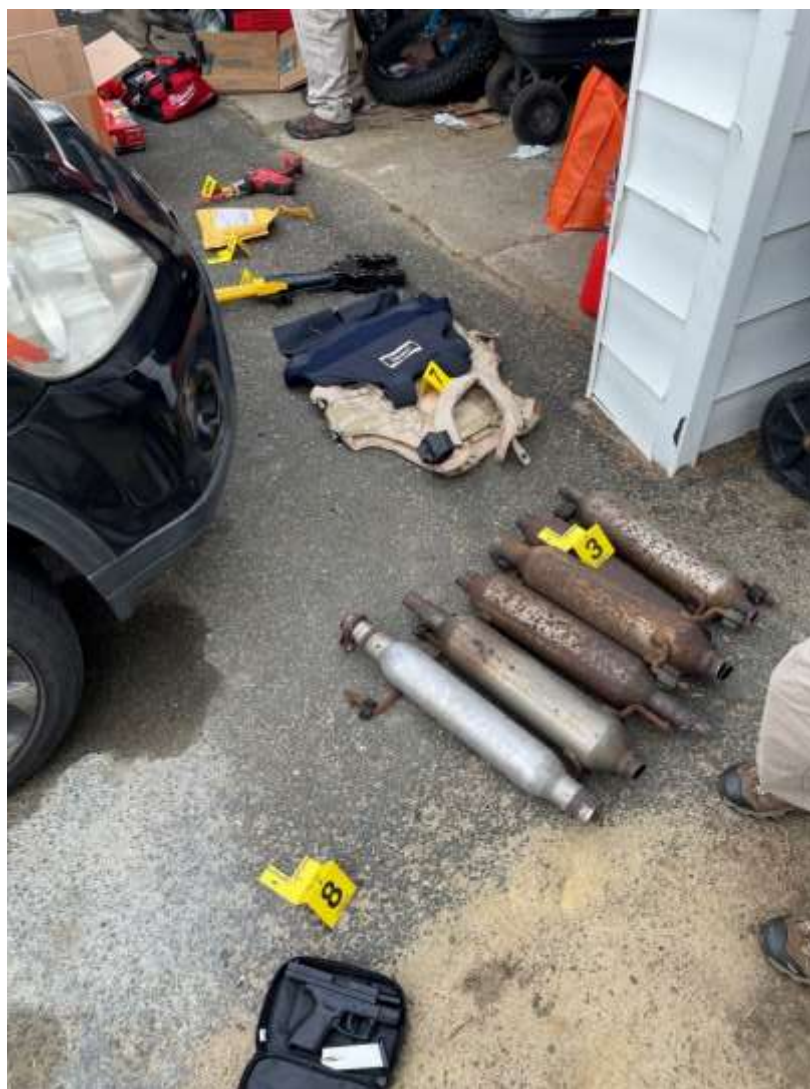


14. Also, near boxes of Lucky Charms and Honey Nut Cheerios, investigators located a box with the writing “Ralphy’s Blades” and a large quantity of Sawzall blades contained within it. Investigators believe these to be blades utilized by DAVILA and other during the commission of the thefts. Additionally, a Sawzall poewrtool was located nearby.



D. Residence of Santo FELIBERTY

15. On April 12, 2023, investigators executed a search warrant at Santos FELIBERTY's residence on Parker Street in Springfield, MA. During the execution of the search warrant at 381 Parker Street, Springfield, MA, a firearm and body armor were located. Additionally, a CAN-AM Spyder, and a number of power tools were also located. The firearm appears to be a Springfield Armory, SA-XD, bearing serial number BY298910. As noted, FELIBERTY is a convicted felon and prohibited from possessing firearms. Photographs follows:





E. Residence of Alex OYOLA

16. On April 12, 2023, investigators executed a search warrant at Alex OYOLA's residence on Deepfield Street in Springfield, MA. During the course of the search, investigators located a large quantity of new Milwaukee brand tools that are believed to be stolen, and a firearm magazine loaded with ammunition. The loaded magazine was located in OYOLA's bedroom closet. A still image of the Milwaukee tools follow:

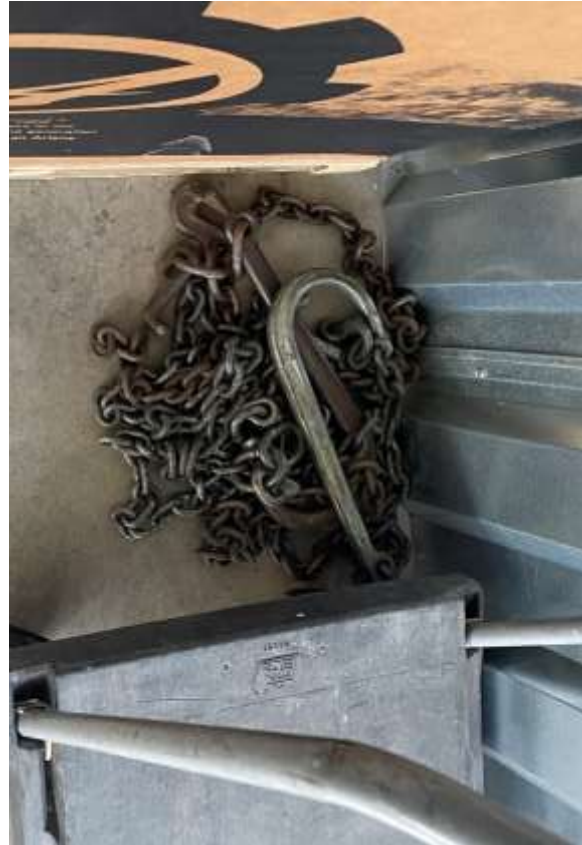


F. Search of Storage Unit

17. On April 12, 2023, investigators executed a search warrant at a storage unit located 371 S. Westfield Street, Feeding Hills, MA. During the course of the search, investigators located the trailer stolen from Hooksett, NH on December 14, 2022 parked in the parking lot of the storage unit facility. Additionally, investigators located a large number of Milwaukee tools that are believed to be stolen, two

grills that are believed to be stolen, an Ariens snowblower that is believed to be stolen, and chains that were believed to have been utilized in the ATM thefts. Still images follow:





Signed under the penalties of perjury.

Special Agent Tyler Delorme
Federal Bureau of Investigation

Date: April 12, 2023